

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CAROL A. COOPER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:24-CV-505-KAC-DCP
)	
BUC-EE'S TENNESSEE, II, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER


This action is before the Court on the Parties' "Joint Motion to Stay Pending Arbitration" [Doc. 26], in which they request an order (1) "staying the present matter until" the Parties voluntarily arbitrate "the disputes between Cooper and Buc-ee's" and (2) "den[ying] as moot without prejudice" "all pending [m]otions" [See *id.* at 2, 3]. Plaintiff asserts various claims against Defendant as a former employee of Defendant [See *id.* at 1-2]. But "[e]arlier this month," Plaintiff indicated that she "would agree to pursue arbitration in Tennessee, and that [she] voluntarily chooses to proceed with arbitration in this" action [See *id.* at 2]. The Parties state that (1) Defendant could not compel Plaintiff to arbitrate her claims; (2) despite Plaintiff's claims not normally being amenable to arbitration, the Parties agree that this action should proceed to arbitration; (3) the arbitration shall proceed "under the American Arbitration Association's Employment Arbitration Rules and Mediation Procedures;" and (4) the Parties "have selected an arbitrator to arbitrate the case in Knoxville, Tennessee" [See *id.* at 2-3].

Because the Parties voluntarily agree to arbitrate this dispute, the Court **GRANTS** the "Joint Motion to Stay Pending Arbitration" without opposition [Doc. 26]. See E.D. Tenn. L.R. 7.2. The Court **STAYS** this action pending the conclusion of arbitration. All hearings and

deadlines are **STAYED**. Within fourteen (14) days of the conclusion of arbitration, the Parties **SHALL NOTIFY** the Court of the outcome of the proceedings. Additionally, the Parties **SHALL** file a status report within **six (6) months** of the entry of this Order and at **three-month intervals** thereafter until the arbitration proceedings conclude. **Failure to timely file the required reports will result in the dismissal of this action under Rule 41(b) for failure to comply with a Court Order.** See Fed. R. Civ. P. 41(b); see also *Schafer v. City of Defiance Police Dep't*, 529 F.3d 731, 736 (6th Cir. 2008) (citation omitted) (noting that Rule 41(b) “confers on district courts the authority to dismiss an action for failure of a plaintiff to . . . comply with the Rules or any order of the court”).

Further, because the Parties agree as a condition of their agreement to arbitrate that “all pending [m]otions shall be denied as moot and without prejudice,” [see Doc. 26 at 3], the Court denies all pending motions as moot without prejudice to refile, [see Docs. 11, 13]. Specifically, the Court **DENIES** Defendant’s “Motion to Dismiss” [Doc. 11] and “Motion to Strike Plaintiff’s Jury Demand” [Doc. 13] as moot without prejudice. The Court **DIRECTS** the Clerk to administratively close this case.

SO ORDERED.


KATHERINE A. CRYTZER
United States District Judge